IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Civil Application No.8700 of 2007
In
First Appeal No.696 of 2005

(Radheshyam s/o Kusanrao Dipate v. Shri Kisanrao s/o Marotiji Dipate and another)

-=--

Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

-=-

Shri A.S. Kilor, Advocate for Applicants/Respondents.
Smt. Anita Shinde, Advocate for Non-Applicant/Appellant.

CORAM : K.J. Rohee & R.C. Chavan, JJ.
DATE : 10th December, 2007

Heard the learned counsel for the parties.

The Civil Court granted decree in favour of the parents directing the son to pay Rs.1,800/- per month towards maintenance under Section 20(3) of the Hindu Adoption and Maintenance Act. The said decree is under challenge in the present appeal. The execution thereof has been stayed by this Court. The parents have moved this application for vacating the order of stay passed by this Court.

It may be noted that in the proceedings under Section 125 of the Code of Criminal Procedure, the Criminal Court has granted maintenance of Rs.1,500/- to the mother. It is brought to our notice that the son/appellant is regularly paying the said maintenance to the mother.

In view of this, we do not find it expedient to vacate the order of stay.

The civil application is, therefore, rejected.

Liberty to move the appropriate application for depositing the amount of maintenance in the Court, is granted.

JUDGE JUDGE

pdl